

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

(JAB 22871)
SCANNED

IN RE TREMONT SECURITIES LAW,
STATE LAW AND INSURANCE
LITIGATION

Master File No.
08 Civ. 11117 (TPG)
ECF Case

This Documents Relates to: Insurance Action
09 Civ. 557

**MOTION TO ADMIT COUNSEL
PRO HAC VICE**

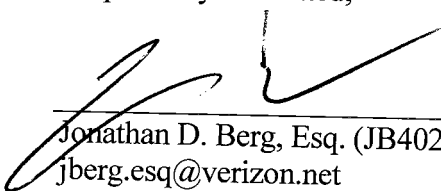
PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Jonathan D. Berg, a member in good standing of the bar of this Court, hereby moves for an Order allowing the admission pro hac vice of:

Applicant's Name: Kevin M. Flynn
Firm Name: Kevin M. Flynn & Associates
Address: 77 West Wacker Drive, Suite 4800
City/State/Zip: Chicago, IL 60601
Phone Number: (312) 456-0240
Fax Number: (312) 444-1028

Kevin M. Flynn is a member in good standing of the Bar of the States of Illinois. There are no pending disciplinary proceedings against Kevin M. Flynn in any State or Federal court.

Dated: February 22, 2011
City, State: New York, New York

Respectfully submitted,


Jonathan D. Berg, Esq. (JB4022)
jberg.esq@verizon.net
Lagemann Law Offices
300 East 42nd Street, 10th Floor
New York, NY 10017
Tel: (212) 599-0990
Fax: (212) 922-0518

*Attorneys for Cummins Inc., as the authorized
representative of the Cummins Inc. Grantor Trust
dated September 10, 2007, as amended*

FEB 22 2011

91-95-92479

FILED
2011 FEB 22 AM 11:04
S.D. OF N.Y.

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**AFFIDAVIT OF JONATHAN D.
BERG IN SUPPORT OF MOTION
TO ADMIT COUNSEL PRO HAC
VICE**

State of New York)
) ss:
County of New York)

Jonathan D. Berg, being duly sworn, hereby deposes and says as follows:

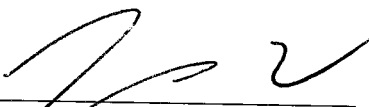
1. I am an attorney at Lagemann Law Offices, counsel for Plaintiff Cummins Inc., as the authorized representative of the Cummins Inc. Grantor Trust dated September 10, 2007, as amended ("Cummins"), relating to the action captioned Cummins Inc., as the authorized representative of the Cummins Inc. Grantor Trust dated September 10, 2007, as amended v. New York Life Ins. Co. et al, former Docket No. 10-cv-9252, and subsequently consolidated with the "Insurance Action" under Docket No. 09-cv-557, by order dated February 9, 2011 by the Honorable Thomas P. Griesa, United States District Judge. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff Cummins' motion to admit Kevin M. Flynn as counsel pro hac vice to represent Plaintiff Cummins in this matter.
2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1997. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known Kevin M. Flynn since 2008.
4. Mr. Flynn is a partner in Kevin M. Flynn & Associates in Chicago, IL.
5. I have found Mr. Flynn to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.
6. Accordingly, I am pleased to move for the admission of Kevin M. Flynn, pro hac vice.
7. I respectfully submit a proposed order granting the admission of Kevin M. Flynn, pro hac vice, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit Kevin M. Flynn, pro hac vice, to represent Plaintiff Cummins in the above captioned matter, be granted.

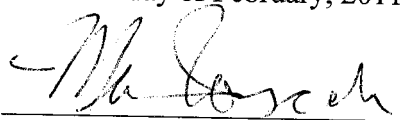
Dated: February 22, 2011
City, State: New York, New York

Respectfully submitted,



Jonathan D. Berg
SDNY Bar Code: JB4022

Subscribed and sworn to before me
this 22nd day of February, 2011.



Notary Public

MARTIN NOVACK
Notary Public, State of New York
No 31-8162880
Qualified in New York County
Term Expires March 30, 2013

Certificate of Admission To the Bar of Illinois

I, Carolyn Taft Grosboll, Clerk of the Supreme Court of Illinois, do hereby certify that

Kevin Michael Flynn

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on November 3, 1978 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto
placed my hand and affixed the seal
of said Supreme Court, at Springfield,
in said State, this Monday, January 24, 2011.

Carolyn Taft Grosboll

Clerk

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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**ORDER FOR ADMISSION
PRO HAC VICE
ON WRITTEN MOTION**

Upon the motion of Jonathan D. Berg, attorney for Plaintiff Cummins Inc., as the authorized representative of the Cummins Inc. Grantor Trust dated September 10, 2007, as amended and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

Applicant's Name: Kevin M. Flynn
Firm Name: Kevin M. Flynn & Associates
Address: 77 West Wacker Drive, Suite 4800
City/State/Zip: Chicago, IL 60601
Phone Number: (312) 456-0240
Fax Number: (312) 444-1028
Email Address: kevin@kmflynnlaw.com

is admitted to practice pro hac vice as counsel for Plaintiff Cummins Inc., as the authorized representative of the Cummins Inc. Grantor Trust dated September 10, 2007, as amended in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated:
City, State:

United States District/Magistrate Judge

CERTIFICATE OF SERVICE

Jonathan D. Berg, an attorney admitted to practice law in the State of New York, hereby certifies under penalty of perjury, that on February 22, 2011 I caused copies of the annexed Motion to be served upon the parties listed below by First Class Mail.

David A. Kotler, Esq.
Dechert, LLP
Suite 500
902 Carnegie Center
Princeton, NJ 08540-6531

Carol E. Head, Esq.
Bingham McCutchen LLP
One Federal Street
Boston, MA 02110

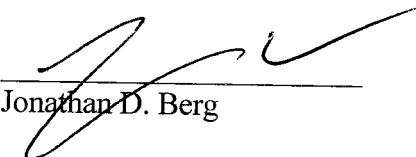
Maria T. Galeno, Esq.
Pillsbury Winthrop Shaw Pittman LLP
1540 Broadway
New York, NY 10035

David Kanfer, Esq.
Tannenbaum Helpen Syracuse & Hirschtritt LLP
900 Third Avenue
New York, NY 10022

Jason C. Vigna, Esq.
Skadden, Arps, Slate, Meagher & Flom LLP
Four Times Square
New York, NY 10036

Richard Fogerty, Esq.
Zolfo Cooper
P.O. Box 1102 GT
4th Floor, Building 3
Cayman Financial Centre,
Grand Cayman, KY1 1102, Cayman Islands

Dated: New York, New York
February 22, 2011


Jonathan D. Berg